

REMARKS

Claims 1-3, 5, and 8-12 are pending in the application. By this amendment, claims 1 and 5 are amended and claims 4 and 6-7 are canceled. No new matter is added. Support for the amendment of claims 1 and 5 is found in the specification as originally filed.

The specification is objected to because a foreign patent application is incorporated by reference. The specification is amended herein to overcome this objection. Accordingly, reconsideration and withdrawal of this objection to the specification is respectfully requested.

I. 35 U.S.C. §102 Rejection

Claims 1-3, 5, and 8-11 are rejected under 35 U.S.C. §102(b) as being anticipated by JP 2002-105576. Applicants respectfully traverse the rejection.

A claim is anticipated only if every element as set forth in the claim is found in a single prior art reference. Applicants respectfully submit that the cited reference does not anticipate the claims because the reference does not disclose all of the claim limitations.

JP 2002-105576 teaches a hydrogen occluding structure provided with a hydrogen occluding layer composed of Mg or a Mg based hydrogen occluding alloy (See Abstract).

JP 2002-105576 does not teach a multi-layered hydrogen absorbing body comprising at least two types of hydrogen absorbing materials, wherein at least one of the at least two types of the hydrogen absorbing materials is formed of a magnesium alloy which has a magnesium content of 50 to 90%, and which contains at least one element selected from Ni, Nd, Ce, Y, and Ca as required by amended independent claim 1. Instead, JP 2002-105576 only generally teaches a magnesium based hydrogen occluding alloy and makes no mention of the magnesium content (See Abstract).

Because the cited reference does not teach all of the claim limitations of amended independent claim 1 the rejection should be withdrawn. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

II. 35 U.S.C. §103 Rejection

Claims 4, 6-7, and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 2002-105576. The rejection of Claims 4 and 6-7 are now moot because claims 4 and 6-7 are canceled by this amendment, and the limitations of claim 4 are incorporated into amended independent claim 1. Applicants respectfully traverse the rejection.

As discussed above, JP 2002-105576 does not teach, nor does it suggest, a multi-layered hydrogen absorbing body comprising at least two types of hydrogen absorbing materials, wherein at least one of the at least two types of the hydrogen absorbing materials is formed of a magnesium alloy which has a magnesium content of 50 to 90%, and which contains at least one element selected from Ni, Nd, Ce, Y, and Ca as required by amended independent claim 1.

The Office Action indicates that a showing of criticality or unexpected results with regards to the range of the Mg content must be shown in order to provide a patentable distinction over the prior art. In this regard, Figure 1 of Applicant's specification shows several hydrogen absorbing materials with variable magnesium content. Hydrogen absorbing material with magnesium content of 86% percent (which falls within the claimed range) have hydrogen absorption amounts well over 3 times as great as those hydrogen absorbing materials with magnesium content of 17%. Therefore, the claimed range of magnesium content provides unexpectedly efficient hydrogen absorption.

Because the cited reference does not teach a multi-layered hydrogen absorbing body comprising at least two types of hydrogen absorbing materials, wherein at least one of the at least two types of the hydrogen absorbing materials is formed of a magnesium alloy which has a magnesium content of 50 to 90% as required by amended independent claim 1, and because the claimed magnesium content range provides unexpectedly efficient hydrogen absorption, JP 2002-1055 would not have rendered obvious claim 12, which depends

indirectly from claim 1. Thus, the rejection should be withdrawn. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:JA/eks

Attachment:
Petition for Extension of Time

Date: November 1, 2005

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